THE UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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COPPER SANDS HOMEOWNERS ASSOCIATION,

Plaintiff,

2:10-cv-510-GMN-NJK

VS.

DATE: February 2, 2016

DFT, INC. d/b/a

Jury Trial (Day 16)

THE CANNON MANAGEMENT COMPANY,

Defendant.

THE HONORABLE GLORIA M. NAVARRO, CHIEF UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: <u>Aaron Blazevich</u> COURT REPORTER: <u>Araceli Bareng</u>

COUNSEL FOR PLAINTIFF: Terry Wike and Charles Kelly

COUNSEL FOR DEFENDANT: Robert Carlson and Andrew Green

MINUTES OF PROCEEDINGS: Jury Trial (Day 16)

At plaintiff's table are paralegals Bobby Brown and Suzie Stone. At defendant's table is Peter Densmore (client).

8:05 a.m. The Court convenes outside the presence of the jury. The Court makes preliminary statements and hears oral arguments by Mr. Wike and Mr. Carlson regarding the Motion for Judgment as a Matter of Law on Validity of Declarant's Disclosures (ECF No. 829). The Court DENIES the Motion (ECF No. 829). The plaintiff requests a jury instruction and the Court instructs counsel to file the requested language in a proposed jury instruction. Mr. Wike informs the Court of concerns regarding the verdict form. The Court and parties discuss scheduling regarding the remaining witnesses and closing arguments. Mr. Kelly informs the Court of a potential conflict with one of the sitting jurors. Mr. Kelly requests the Court canvas juror number six individually.

8:39 a.m. Juror number six enters the courtroom and is canvassed by the Court regarding the potential conflict addressed by Mr. Kelly.

8:44 a.m. Juror number six exits the courtroom.

8:45 a.m. The Court stands at recess.

9:07 a.m. The Court reconvenes outside the presence of the jury. Mr. Carlson addresses an issue regarding the testimony of witness **KENNETH ROWAN**. The Court makes findings as stated on the record.

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9:19 a.m. The jury enters the courtroom. The defense rests its case in chief. **KENNETH ROWAN**, called on behalf of the Plaintiff on rebuttal, is sworn and testifies on direct examination by Mr. Wike. Mr. Carlson conducts cross examination. Mr. Wike conducts redirect examination. The witness is excused.

9:44 a.m. **MICHAEL TRUDELL**, called on behalf of the Plaintiff on rebuttal, is sworn and testifies on direct examination by Mr. Wike. Mr. Carlson conducts cross examination. Mr. Kelly conducts redirect examination. Mar Carlson conducts recross examination. **MICHAEL TRUDELL** answers questions posed by the jury (# 26). The witness is excused.

10:40 a.m. The jury is admonished and excused for a morning break.

11:08 a.m. The jury reenters the Courtroom. **JAN BRUSSEL**, called on behalf of the Plaintiff on rebuttal, is sworn and testifies on direct examination by Mr. Wike.

12:07 p.m. The jury is admonished and excused for lunch.

1:29 p.m. The Court convenes outside the presence of the jury. The Court excuses witnesses **KENNETH ROWAN** and **MICHAEL TRUDELL**.

1:34 p.m. The jury enters the courtroom. Witness **JAN BRUSSEL**, previously sworn and called on behalf of the Plaintiff on rebuttal, is recalled to the stand. Mr. Carlson conducts cross examination. Mr. Wike conducts redirect examination. **MICHAEL TRUDELL** answers questions posed by the jury (## 27, 28, & 29). **EXHIBIT 547JJ is marked but not admitted.** The witness is excused. Plaintiff rests its rebuttal case.

2:15 p.m. The jury is admonished and excused for the day.

2:17 p.m. The Court stands at recess.

Jury Trial continued to Wednesday, February 3, 2016 at 9:00 a.m. in Las Vegas Courtroom 7D before Chief Judge Gloria M. Navarro.

LANCE S. WILSON, CLERK
U.S. DISTRICT COURT
BY: /S/
Aaron Blazevich, Deputy Clerk